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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,602	02/24/2004	Farid Hacena	HACENA 3-1	3211

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EXAMINER	
VU, MICHAEL T	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/785,602	HACENA ET AL.	
	Examiner	Art Unit	
	Michael Vu	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorson (2002/0123365) in view of Williams (US 2004/0017904).

Regarding **claims 1, 8, 15**, Thorson teaches A wireless communication network comprising [0002-0003]: a call processing system coupled to a backhaul network [0147]; a translator system coupled to the backhaul network and to the call processing system ([0174], Abstract, Fig. 22); a first base station system coupled to the backhaul network (Fig. 22, [0149]), the first base station system [0584-0585], responsive to

receiving communications for a call from a wireless communication device [0584-0585], transfers first call traffic for the call in a first format over the backhaul network to the call processing system [0584-0585]; and a second base station system coupled to the translator system by the backhaul network [0584-0585], the second base station system, responsive to receiving the communications for the call from the wireless communication device [0584-0585], transfers second call traffic for the call in a second format over the backhaul network to the translator system wherein the second format is different than the first format [0584-0585];

but is silent on the translator system / Data Processing System, responsive to receiving the second call traffic in the second format from the second base station system, converts the second call traffic from the second format to the first format and transfers the second call traffic in the first format to the call processing system; the call processing system, responsive to receiving the first call traffic and the second call traffic, processes the first call traffic and the second call traffic. However, Williams teaches the messaging facility is connected to the telecommunications network, configured to receive messages from a telecommunication device such as Router or Interactive Response Voice Units (IRVU), which is responding to calls such as (e.g., request content, protocol, format, etc.). And the data processing system providing the validation facility is coupled to the messaging facility and to the validation database, and is configured to receive a validation request from the messaging facility, to identify a validating authority related to the request, to access the validation database to convert the request from the first format to the related validating authority's messaging format as

a second format based on data stored in the validation database corresponding to the related validating authority, to contact the related validating authority to request validation from the related validating authority in the second format, to receive a response from said related validating authority in the second format, to convert the response from the second format to the first format, and to send the response in the first format to the messaging device to be messaged to the telecommunications device in order to validate said call (Abstract, [0012]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorson, such that the translator system/Router Device, responsive to receiving the second call traffic in the second format from the second base station system, converts the second call traffic from the second format to the first format and transfers the second call traffic in the first format to the call processing system; the call processing system, responsive to receiving the first call traffic and the second call traffic, processes the first call traffic and the second call traffic, to provide the service from different providers have the capability or flexibility to implement networks or equipments without having to remove or replace the legacy equipment.

Regarding **claims 2, 9, 16**, Thorson teaches The wireless communication network of claim 1 wherein the call processing system, **but is silent on** responsive to receiving the first call traffic and the second call traffic, determines if the second call traffic is delayed compared to the first call traffic. However, Williams teaches the messaging facility is connected to the telecommunications network, configured to

receive messages from a telecommunication device such as Router or Interactive Response Voice Units (IRVU), which is providing and receiving a response from said related validating authority in the second format, to convert the response from the second format to the first format, and to send the response in the first format to the messaging device to be messaged to the telecommunications device in order to validate said call. As examiner noted that the second call traffic is obviously delayed compared to the first call traffic, because it takes time to convert from one format to another format before routing by using different protocols (Abstract, [0012]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorson, such that responsive to receiving the first call traffic and the second call traffic, determines if the second call traffic is delayed compared to the first call traffic, to provide the service from different providers have the capability or flexibility to implement equipment without removing the legacy equipment.

Regarding **claims 3, 10, 17**, Thorson teaches The wireless communication network of claim 2 wherein the call processing system, **but is silent on** responsive to a determination that the second call traffic is delayed, buffers/data storage device the first call traffic to synchronize the first call traffic and the second call traffic. However, Williams teaches the messaging facility is connected to the telecommunications network, configured to receive messages from a telecommunication device such as Router or Interactive Response Voice Units (IRVU), which is providing and receiving a response from said related validating authority in the second format, to convert the response from the second format to the first format, and to send the response in the first

format to the messaging device to be messaged to the telecommunications device in order to validate said call. As examiner noted that the second call traffic is obviously delayed compared to the first call traffic, because it takes time to convert from one format to another format by using different protocols X.25 or TCP/IP (Abstract, [0012, 0024, 0028-0029]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorson, such that responsive to a determination that the second call traffic is delayed, buffers/memory the first call traffic to synchronize the first call traffic and the second call traffic, to provide the service from different providers have the capability or flexibility to implement equipment without removing the legacy equipment.

Regarding **claims 4, 11, 18**, Thorson teaches The wireless communication network of claim 3 wherein the call processing system **but is silent on** selects either the first call traffic or the second call traffic based on a quality of the first call traffic and a quality of the second call traffic. However, Williams teaches the messaging facility is connected to the telecommunications network, configured to receive messages from a telecommunication device such as Router or Interactive Response Voice Units (IRVU), which solves the aforementioned problems and provides new and improved data processing systems and methods for validating calls within a telecommunications network. Such systems and methods are capable of validating all types calls independent of clearing authority vendors and allows a telecommunications provider to

change clearing authorities vendors without modifying any systems [0011, 0030-0031, 0041].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorson, such that selects either the first call traffic or the second call traffic based on a quality of the first call traffic and a quality of the second call traffic, to provide a better service to transfer call traffic over the communication streams or legs (e.g., data format, data or messaging protocol, etc.).

Regarding **claims 5, 12**, Thorson teaches The wireless communication network of claim 1 wherein the call processing system, **but is silent on** the translator system, and the first base station system are from a first vendor, and the second base station system is from a second vendor. However, Williams teaches the system and method for validating calls within a telecommunications network, which provided by the database storage device sold by many vendors (e.g. CYBERCASH, CYBERSOURCE, ect.), [0007-0009, 0011-0012].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorson, such that the translator system, and the first base station system are from a first vendor and the second base station system is from a second vendor, to provide the service from different providers have the capability or flexibility to implement equipment without removing the legacy equipment.

Regarding **claims 6, 13, 19**, Thorson teaches The wireless communication network of claim 1 **but is silent on** wherein the first format comprises a proprietary format and the second format comprises an Inter-vendor Operating System (IOS)

format. However, Williams teaches how to solve the aforementioned problems and provides new and improved systems and methods for validating calls within a telecommunications network. Such systems and methods are capable of validating all types calls independent of clearing authority vendors and allows a telecommunications provider to change clearing authorities vendors without modifying any systems by request in a generic format, (messaging content and format may very from device to device depending on the vendor manufacturer, etc.), such as via TCP/IP, X.25, etc. [0024, 0028, 0029].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorson, such that wherein the first format comprises a proprietary format and the second format comprises an Inter-vendor Operating System (IOS) format, to provide the service from different providers have the capability or flexibility to implement equipment without removing the legacy equipment.

Regarding **claims 7, 14**, Thorson teaches the wireless communication network of claim 1 wherein: **but is silent on** the first base station system, responsive to receiving the communications for the call from the wireless communication device, transfers third call traffic in the first format over the backhaul network to the translator system; and the translator system, responsive to receiving the third call traffic in the first format over the backhaul network, converts the third call traffic in the first format to the second format and transfers the third call traffic in the second format to another call processing system. However, Williams teaches the systems and methods for validating charges for completing a call in a telecommunications network, such as a calling card call or third

party call [0009-0010, 0027, 0030, 0040-0041]. As examiner noted that the procedures of the second call traffic and the third call traffic are the same, both the second and the third call traffic needed to convert to the first format by using different protocols such as X.25 or TCP/IP.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorson, such that the first base station system, responsive to receiving the communications for the call from the wireless communication device, transfers third call traffic in the first format over the backhaul network to the translator system; and the translator system, responsive to receiving the third call traffic in the first format over the backhaul network, converts the third call traffic in the first format to the second format and transfers the third call traffic in the second format to another call processing system, to provide the service from different providers have the capability or flexibility to implement networks or equipments without having to remove or replace the legacy equipment.

Regarding **claim 20,** Thorson teaches The wireless network controller of claim 15 wherein the wireless network controller comprises a Mobile Switching Center (MSC). As examiner noted this is obvious to one of ordinary skill in the art know that the translator system which is located in MSC facility.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thorson US 2002/0123365

Williams US 2004/0017904

Kelley US 2004/0147265

Engelhart US 2004/0203580

Cleveland US 2002/0118665

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael T. Vu

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